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REMARKS

I. Status of the Application.

Claims 1-33 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner

- (a) rejected claims 1-4, 7-19, 21-25, 27-29, and 31-33 under 35 U.S.C. §103(a) as allegedly being rendered obvious by U.S. Patent No. 6,282,404 B1 to Linton ("Linton") in view of U.S. Patent No. 4,586,905 to Groff ("Groff") and U.S. Publication No. U.S. 2001/0053513 for Corn et al. ("Corn"); and
- (b) rejected claims 5-6, 20, 26, and 30 under 35 U.S.C. §103(a) as allegedly being rendered obvious by Linton/Groff/Corn as applied by the Examiner to Claims 1, 18, 21, and 29 and in further view of U.S. Publication No. U.S. 2002/0034721 for McManus et al. ("McManus").

In this response, Applicants respectfully explain that the cited references do not disclose, teach or suggest all of the elements of claims 1-33. Thus, Applicants respectfully submit that the following remarks incorporated herein and in the previous responses overcome the Examiner's rejections and request reconsideration and allowance of pending claims 1-33.

II. The Rejections of Claims 1-4, 7-19, 21-25, 27-29, and 31-33 Under 35 U.S.C. § 103(a) as Being Obvious Over Linton in View of Groff and Corn Should Be Withdrawn.

In the Office Action, the Examiner rejected claims 1-4, 7-19, 21-25, 27-29, and 31-33 under 35 U.S.C. §103(a) as being unpatentable over Linton in view of Groff and Corn. For the

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reasons set forth below, Applicants respectfully submit that Linton in view of Groff and Corn do not teach or suggest all the limitations of claims 1-4, 7-19, 21-25, 27-29, and 31-33. "To establish prima facie obviousness of the claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (citing *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)). Further, "[i]f an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)). Applicants respectfully submit that all the limitations of claim 1-4, 7-19, 21-25, 27-29, and 31-33 are not taught or suggested by Linton, Groff and/or Corn.

A) Linton Does Not Teach or Suggest All of the Claim Limitations of Claims 1-14, 7-19, 21-25, 27-29, and 31-33.

The invention of Linton has been discussed and distinguished from the present invention in prior responses and such distinctions are incorporated herein by reference. The Examiner states in the Office Action that:

Linton does not disclose expressly so that at least one student cannot advance in the at least one lesson until the audio file or video file has completed playing and such that a test is transmitted to the at least one student system to determine if the at least one student has comprehended the content, and the at least one student is not permitted to advance in the at least one lesson until it is determined by the test that the at least one student has comprehended the content.

(Office Action, p. 3). The Applicants agree with the Examiner's conclusion with respect to these limitations, but do not understand how this conclusion can be reconciled with the conclusion that Linton does disclose "controlling the pace of the presentation of the received lesson at the student system and controlling the pace (e.g. cueing) of the presentation of the received lesson with the received audio file." (Office Action, p. 3).

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As explained in Applicants' response of June 20, 2003, Linton does not teach or suggest controlling the pace of the presentation of the lesson with an audio or video file. Rather, Linton teaches using timing codes and video controls 916 to control the pace of the lesson. (Linton, Col. 8, lns. 11-29). Thus, even when the presentation of the slides are cued by the video (Col. 8, lns. 27-29), the pace of the presentation is not controlled by the audio file. Moreover, even when the slides are cued by the video, the pace (i.e. the speed at which the lesson is viewed and length of time the lesson takes) is not controlled by the video file, but rather, is still controlled by the video controls 916 that "allow the user to replay portions of the video, backtrack, pause, stop, or skip ahead as well control the volume as needed." (Col. 8, lns. 24-25). Thus, the pace of the presentation is ultimately controlled by the user and not by the audio file or video file as claimed in claims 22-24 and 33. Similarly, the presentation of the lesson itself is also ultimately controlled by the user and not by the audio file or video file as claimed in claims 18-21 and 25-32.

Applicants also respectfully do not understand how the conclusion that Linton does not disclose a system wherein the "at least one student cannot advance in the at least one lesson until the audio file or video file has completed playing," can be reconciled with the conclusion that Linton does disclose the claimed controlling means, audio controlling means or video controlling means (Office Action, pp. 2-3). The controlling means (e.g. RealPlayer™) disclosed, taught and suggested in Linton is not similar to the controlling means of the present invention because the Linton controlling means allows the user to advance in the lesson irrespective of the audio or video file. As claimed in claims 1-17, 24 and 32, the controlling means, the audio controlling

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means and the video controlling means controls "the presentation of the at least one lesson . . . based on the received audio file (or video file), so that at least one student cannot advance in the at least one lesson until the audio file (or video file) has completed playing." Similarly, as claimed in Claim 31, the controlling means controls "the presentation of the at least one lesson . . . based on the received audio file or video file, so that the at least one student cannot advance the presentation having the content to which the audio file is associated until the audio or video file has completed playing." Thus, Linton does not teach or suggest the controlling means, the audio controlling means or the video controlling means of the present invention because the controlling means of Linton allows the user to skip ahead and does not ensure "that the at least one student cannot advance in the at least one lesson (or presentation)." (Claims 1, 17, 24, and 31-32).

B) Groff Does Not Teach or Suggest All of the Claim Limitations of Claims 1-14, 7-19, 21-25, 27-29, and 31-33.

Applicants respectfully submit that Groff does not disclose, teach or suggest all the limitations of claims 1-14, 21-25, 27-29 and 31-33. The Examiner asserts that:

Linton does not disclose expressly so that at least one student cannot advance in the at least one lesson until the audio file or video file has completed playing and such that a test is transmitted to the at least one student system to determine if the at least one student has comprehended the content, and the at least one student is not permitted to advance in the at least one lesson until it is determined by the test that the at least one student has comprehended the content. However, Groff teaches such in Col. 6: 40-47.

Applicants respectfully submit that a closer examination of Groff reveals that Groff does not teach or suggest ensuring that "the at least one student cannot advance in the at least one lesson (or presentation) until the audio file (or video file) has completed playing." Further, Groff does not disclose the controlling means, audio controlling means, or the video controlling means of

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the present invention. Moreover, Groff does not disclose controlling the presentation or the pace of the presentation with an audio file or video file. Rather, Groff teaches the use of an ordinary cassette player synchronized to the video portion and controlled by the computer program to present the audio portion of the lesson.

Groff discloses a "computer-assisted audio/visual teaching system which presents synchronized audio and visual instructional material to an individual student." (Groff, Abstract). The system of Groff presents "the audio portion of the lesson . . . on a 2-channel cassette tape which is reproduced by a stereo tape player as the lesson progresses and is synchronized with the computer program." (Col. 4, lns. 40-43). Groff states that the "actuation of a tape player and audio channel selection are initiated by a computer program and transmitted via control signals from the computer output port, from a computer-generated tone, or from a light sensing probe which is attached to the screen of a cooperating television monitor." (Col. 4, lns. 63-68, Col. 5, lns. 1-4).

Applicants respectfully submit that Groff does not disclose ensuring that "the at least one student cannot advance in the at least one lesson (or presentation) until the audio file (or video file) has completed playing." (Claims 1, 17, 18, 22-25, 28, and 31-33). Groff discloses, teaches and suggests the use of an ordinary cassette tape player, such as a stereo tape player, to play a 2-channel cassette tape. Ordinary tape players have rewind and fast forward controls. Thus, just as the video controls in Linton, the tape player allows the user to fast forward through the audio portion of the lesson, if he/she so chooses. Notably absent from Groff is any description regarding the video portion of the lesson and how the video portion advances. Thus, Applicants

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respectfully submit that Groff, like Linton, does not disclose the use of an audio file or a video file to prevent a student from advancing in the lesson until the audio or video file has completed playing, as claimed in claims 1-33.

Moreover, Groff, like Linton, does not disclose, teach or suggest any of the controlling means that prevent the student/user from advancing in the lesson until the audio file or video file has completed playing. Specifically, as discussed above, Groff discloses the use of an ordinary tape player that allows the user to fast forward through the audio portion and Groff does not disclose a video controlling means. Thus, Groff, like Linton, does not teach or suggest the controlling means, the audio controlling means or the video controlling means of the present invention because Groff only discloses an audio controlling means which allows the user to fast forward if he/she chooses. Accordingly, Applicants respectfully submit that Groff, like Linton, does not disclose, teach, or suggest a controlling means, an audio controlling means or a video controlling means that ensures "that the at least one student cannot advance in the at least one lesson (or presentation) until the audio file (or video file) has completed playing." (Claims 1, 17, 24, and 31-32).

Furthermore, Groff does not disclose controlling the presentation or the pace of the presentation with an audio file or a video file. As discussed above, Groff discloses an audio portion played by an ordinary cassette player which is separate from and synchronized to the video portion of the lesson by a computer program. Thus, the audio portion is not used to control the presentation of the lesson but rather, is a separate component that is synchronized to the rest of the lesson. Accordingly, Applicants respectfully submit that Groff, like Linton, does not

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disclose, teach or suggest controlling the presentation or the pace of the presentation with an audio file or a video file, as claimed in claims 18-32.

C) Corn Does Not Teach or Suggest All of the Claim Limitations of Claims 1-14, 7-19, 21-25, 27-29, and 31-33.

The invention of Corn has been discussed and distinguished from the present invention in Applicants' response of December 10, 2003 and such distinctions are incorporated herein by reference. Accordingly, as explained in that office action, Corn does not teach or suggest the ensuring that "the at least one student cannot advance in the at least one lesson (or presentation) until the audio file (or video file) has completed playing." (Claims 1-33). Further, Corn does not disclose the controlling means, audio controlling means, or the video controlling means of the present invention. (Claims 1, 17, 24 and 31-32). Moreover, Corn does not disclose controlling the presentation or the pace of the presentation with an audio file or video file. (Claims 18-33).

D) Linton Together with Groff and Corn Does Not Teach or Suggest All of the Claim Limitations of Claims 1-14, 7-19, 21-25, 27-29, and 31-33.

As explained above and in previous responses, none of the cited references disclose all the elements of claims 1-14, 7-19, 21-25, 27-29 and 31-33. Specifically, neither Linton, Groff nor Corn disclose, teach or suggest the controlling means, the audio controlling means or the video controlling means of the present invention which ensures "that the at least one student cannot advance in the at least one lesson (or presentation) until the audio file (or video file) has completed playing." (Claims 1, 17, 24, and 31-32). Further, neither Linton, Groff nor Corn disclose, teach or suggest controlling the pace of the presentation by the audio file or video file as claimed in claims 22-24 and 33. Similarly, neither Linton, Groff nor Corn disclose, teach or

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suggest controlling the presentation of the lesson itself by the audio file or video file as claimed in claims 18-21 and 25-32. Moreover, neither Linton, Groff nor Corn disclose, teach or suggest the use of an audio file or a video file to prevent a student from advancing in the lesson until the audio file or video file has completed playing, as claimed in claims 1-33. Accordingly, Applicants respectfully submit that claims 1-33 are patentable, and the rejection of claims 1-4, 7-19, 21-25, 27-29, and 31-33 under 35 U.S.C. §103(a) as being unpatentable over Linton in view of Groff and Corn should be withdrawn.

III. The Rejections of Claims 5-6, 20, 26, and 30 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Linton/Groff/Corn As Applied to Claims 1, 18, 21, and 29 and Further in View of McManus Should Be Withdrawn.

The Examiner's rejections of claims 5-6, 20, 26, and 30 under 35 U.S.C. §103(a) as being unpatentable over Linton/Groff/Corn as applied to claims 1, 18, 21, and 29 and further in view of McManus should be withdrawn. "To establish prima facie obviousness of the claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (citing *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)). Further, "[i]f an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious." MPEP 2143.03 (citing *In re Fine*, 837 F.2d 1382, 1385 (C.C.P.A. 1970)).

Applicants respectfully submit that Linton, Groff, Corn, and McManus do not teach or suggest all of the claim limitations of claims 5-6, 20, 26, and 30, because claims 5-6 depend from claim 1, claim 20 depends from 18, claim 26 depends from claim 21, and claim 30 depends from claim 29. Thus, the Applicants respectfully submit that the rejections of claims 5-6, 20, 26 and 30 should be withdrawn because as discussed above, Linton/Groff/Corn as applied to claims 1,

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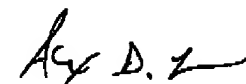
18, 21 and 29 do not disclose, teach, or suggest all of the limitations of these independent claims. Accordingly, the rejection of claims 5-6, 20, 26 and 30 should be withdrawn because these claims each depend from an independent claim that is not obvious under 35 U.S.C. §103(a).

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that Applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this Application is therefore respectfully requested. In the event Applicants have inadvertently overlooked the need for payment of an additional fee, Applicants conditionally petition therefore, and authorize any deficiency to be charged to deposit account 09-0007. If required to do so, please reference the above-listed docket number.

Respectfully submitted,

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